

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.08.2019

CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No.25665 of 2019
and
W.M.P.No. 25152 of 2019

D.Sangeetha ... Petitioner
-Vs-

- 1.The Special Tahsildar,
Pallavaram Municipality,
Chrompet, Chennai-600 044.
- 2.The Assistant Settlement Officer -North
Chepauk,
Chennai-600 005.
- 3.The Tamil Nadu Accountant General Office Staff
Co-operative Building Society,
Having Reg. Office at No.361,
Anna Salai, Chennai -600 018.
- 4.S.Sanathi ... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of
Certiorari to call for the records of the Second Respondent
proceedings in Na.Ka.E2/10238/2018 dated 14.08.2019.

For Petitioner : Mr. N.Muralikumaran
For Respondents : Mr.R.Venkatesh for R1 & R2
Government Advocate

सत्यमेव जयते
O R D E R

Heard Mr. N. Muralikumaran, Learned Counsel appearing
for the Petitioner, Mr. R. Venkatesh, Learned Government
Advocate, who takes notice for the First and Second
Respondents, and perused the materials placed on record,
apart from the pleadings of the parties.

2. As no prejudice would be caused to the Third and
Fourth Respondents by the order proposed to be passed,
notice to them is dispensed with.

3. This Court by an order dated 08.08.2019 in W.P.
No. 20302 of 2018 filed by the Fourth Respondent, viz., S.

Shanthi, had passed the following order:-

"This Writ Petition has been filed for a direction to the Fourth Respondent to hold an enquiry forthwith on notice to the Petitioner and Sixth and Seventh Respondents and cancel Patta No. RPT/8A No.1410/2015, Ward - C, Block No.28, T.S. No. 27/6 issued to the Seventh Respondent on verification of his prior title deed in Doc. No. 4403 of 1992 dated 19.10.92 as per the representations of the Petitioner dated 27.04.2018 and 22.05.2018.

2. During the earlier hearing on 05.07.2019, it was informed that the Fourth Respondent, viz., the Special Tahsildar, Pallavaram Municipality, had issued a notice to the Petitioner and the Sixth and Seventh Respondents to appear for enquiry on 10.07.2019 regarding the disputes between them. A report on the action taken has been filed today stating that the parties have attended the said enquiry and produced certain documents and a detailed report dated 13.08.2019 has been sent to the Assistant Settlement Officer to take further action in the matter.

3. In view of the aforesaid subsequent events, depending on the outcome of the decision to be taken by the Assistant Settlement Officer, it is open to the Petitioner and Sixth and Seventh Respondents, if they are still aggrieved, to work out their remedies in the manner recognized by law in that regard.

4. Accordingly, this Writ Petition is disposed on the aforesaid terms. No costs. Consequently, connected miscellaneous is closed."

4. It is submitted by the Learned Counsel for the Petitioner that even before the aforesaid order was communicated, the Second Respondent has passed the order No. Na. Ka. Ee2/10238/2018 dated 14.08.2019 stating that it would be subject to the outcome of the order to be passed by this Court in the aforesaid Writ Petition, which had already been disposed at that time. He further contends that since the order impugned in this Writ Petition, is not consistent with the order dated 08.08.2019 in W.P. No. 20302 of 2018 passed by this Court, the same may be set aside and the matter remitted for fresh disposal in accordance with the aforesaid order passed by this Court.

5. As there is substantial force in the aforesaid contentions, which deserve acceptance, the order No. Na. Ka. Ee2/10238/2018 dated 14.08.2019 passed by the Second Respondent is set aside and the matter is remitted to the Second Respondent for fresh consideration in terms of the order dated 08.08.2019 in W.P. No. 20302 of 2018 passed by this Court. It is made clear that no view has been expressed by this Court on the entitlement or correctness on the merits of the rival claims of the contesting parties and that the Second Respondent shall not be inhibited or influenced by the impugned order. The Second Respondent after affording full opportunity of hearing to all parties concerned, shall consider each of their contentions and pass reasoned order on merits and in accordance with law and communicate the decision taken to all the concerned parties and file a compliance report before the Registrar (Judicial) of this Court by 31.12.2019.

6. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna/kv

To

- 1.The Special Tahsildar,
Pallavaram Municipality,
Chrompet, Chennai-600 044.
- 2.The Assistant Settlement Officer -North
Chepauk, Chennai-600 005.
- 3.The Tamil Nadu Accountant General Office Staff
Co-operative Building Society,
Having Reg. Office at No.361,
Anna Salai, Chennai -600 018.

Copy to

The Registrar (Judicial),
Madras High Court, Chennai - 600 104.

+1cc to Mr.Megan Law Firm, Advocate SR.No. 74912

W.P. No.25665 of 2019

A.SK(18/10/2019)